

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE DISTRICT 6 HEALTH
PLAN,

Plaintiff,

-against-

DOVE LAUNDRY,

Defendant.

ANSWER

CIVIL ACTION NO.: 08 Civ. 0038
(CM)

(ECF Filed)

(Jury Trial Requested)

The defendant, Dove Laundry, by its attorneys, Goldberg and Weinberger LLP,
hereby answer the complaint as follows:

1. Denies the allegations in paragraphs 1 and 2 of the complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the complaint.
3. Denies the allegations in paragraph 4 of the complaint, except admits that Dove Laundry is a corporation.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the complaint.
5. Denies the allegations in paragraph 6 of the complaint, except admits that Dove Laundry had a collective bargaining agreement.
6. Denies the allegations in paragraphs 7, 8, 9 and 10 of the complaint.
7. Admits the allegations in paragraph 11 of the complaint.
8. Denies the allegations in paragraphs 12, 13, 14, 15, 16, 17, and 18 of the complaint.

9. Defendant responds to paragraph 19 of the complaint by repeating and re-alleging each and every response to the allegations set forth in paragraphs 1 through 18 the complaint as if same were set forth at length herein.
10. Denies the allegations in paragraphs 20 through 22.
11. Defendant responds to paragraph 23 the complaint by repeating and re-alleging each and every response to the allegations set forth in paragraphs 1 through 22 Complaint as if same were set forth at length herein.
12. Admits the allegations in paragraph 24 of the complaint.
13. Denies the allegations in paragraphs 25 through 27 of the complaint.
14. Defendant responds to paragraph 28 the complaint by repeating and re-alleging each and every response to the allegations set forth in paragraphs 1 through 27 Complaint as if same were set forth at length herein.
15. Denies the allegations in paragraphs 29 though 32.
16. Defendant responds to paragraph 33 the complaint by repeating and re-alleging each and every response to the allegations set forth in paragraphs 1 through 32 Complaint as if same were set forth at length herein.
17. Denies the allegations in paragraphs 34 through 38.

FIRST AFFIRMATIVE DEFENSE

The plaintiff has failed to state a claim against the defendant upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The plaintiff alleges claims and seeks relief that is not provided for under applicable law.

THIRD AFFIRMATIVE DEFENSE

The defendant has complied with all that is required under any applicable law.

FOURTH AFFIRMATIVE DEFENSE

The plaintiff has failed to exhaust its administrative remedies.

FIFTH AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction.

SIXTH AFFIRMATIVE DEFENSE

The plaintiff's claims are barred by estoppel, laches, unclean hands and waiver.

SEVENTH AFFIRMATIVE DEFENSE

The plaintiff's claims are barred by the statute of limitations.

EIGHTH AFFIRMATIVE DEFENSE

The plaintiff's claims are barred by applicable law.

NINTH AFFIRMATIVE DEFENSE

The plaintiff has failed to join a necessary party.

TENTH AFFIRMATIVE DEFENSE

The defendant has paid all that it was required to pay.

WHEREFORE, the defendant requests that the complaint be denied and/or that the complaint be dismissed, that the defendants recover their costs and fess, including attorney's fees, and that the Court grant such other and further relief as this Court may deem just and proper.

The defendant also requests a jury trial.

Dated: June 2, 2008

By: S/ Stuart Weinberger
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